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In re Application of	:	DECISION ON
OLSSON, Bertil	:	
Application No.: 10/019,891	:	
PCT No.: PCT/SE00/01440	:	PETITION
Int. Filing Date: 06 July 2000	:	
Priority Date: 09 July 1999	:	
Attorney's Docket No.: 10400-000003/US	:	UNDER 37 CFR 1.182
For: METHOD FOR HANDLING A DATABASE	:	

This decision is in response to the "PETITION UNDER 37 CFR §1.181 TO WITHDRAW HOLDING OF ABANDONMENT" filed 23 December 2003, which is being treated as a petition under 37 CFR 1.182 to withdraw the holding of abandonment. Applicant's Deposit Account No. 08-0750 is being charged the \$130.00 petition fee as authorized in the petition submitted on 24 December 2003.

#### BACKGROUND

On 06 July 2000, this international application was filed, claiming an earliest priority date of 09 July 1999.

On 28 December 2001, applicant filed a Transmittal letter for entry into the national stage in the United States, which was accompanied, *inter alia*, by the requisite basic national fee as required by 35 U.S.C. 371 (c)(1). However, no oath or declaration of the inventors accompanied the transmittal letter.

On 28 February 2002, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, *inter alia*, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by International application number and international filing date" must be submitted within two(months) from the date of this notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 04 December 2003, the DO/EO/US mailed a "NOTIFICATION OF ABANDONMENT" (Form PCT/DO/EO/909), which indicated that the time period to reply to the Notification of Missing Requirements has expired.

In response to the "NOTIFICATION OF ABANDONMENT" mailed on 04 December 2003, applicant has submitted the instant petition requesting withdrawal of the Notice of Abandonment. In support of the petition, petitioner has provided a copy of the returned/stamped receipt card acknowledging a receipt date of 29 April 2002 and a statement that there was sufficient identification of the correct Application Number in the remaining pages of the Reply to lead to correlate the Reply with the correct Application.

### DISCUSSION

#### **POSTCARD:**

Applicant's present petition accompanied by a copy of the following documents, filed purportedly, *inter alia*, with the PTO as indicated in the stamped postcard:

- (1) Executed Declaration
- (2) Copy of Notice

The postcard lists the above items and bears a USPTO date of stamp as 29 April 2002.

MPEP 503 provides:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

Applicant's postcard is accepted as *prima facie* that a Declaration was deposited with the U.S. Patent and Trademark Office on 29 April 2002.

Accordingly, the date of receipt for the Declaration is 29 April 2002.

#### **INCORRECT NUMBER:**

Applicant reviewed the Reply to the Notification of Missing Requirements and noticed an incorrect application number on the first page filed identification heading. In this instance, there is sufficient evidence that the application number 10/019,496 on the first page of the "LETTER SUBMITTING DOCUMENTS FOR COMPLETION OF AN APPLICATION PURSUANT TO 35 U.S.C. §371 was an obvious error. It is apparent from the papers submitted that the correct application number to the Reply to the Notification of Missing Requirement is 10/019,891 because there is sufficient identification of the correct Application Number in the remaining pages of the Reply. For example, the second and third pages of the reply contain the correct application number and all the pages contain the correct attorney docket for the above application. Only the first page contains the incorrect number.

Accordingly, applicant petition to accept these papers for the instant application is granted.

**DECISION**

Applicant's request to withdraw the "NOTIFICATION OF ABANDONMENT" is **GRANTED** since the reply filed on April 29, 2002 to the Notification of Missing Requirements mailed on 28 February 2002 was timely. The NOTIFICATION OF ABANDONMENT, mailed 04 December 2003 has been **VACATED**.

The petition under 37 CFR 1.182 is **GRANTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.



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